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#### OVERVIEW

The Local Public Agency Manual published by the Missouri Department of Transportation (MoDOT) is intended to be used as a guide for cities and counties that sponsor projects utilizing federal transportation funds provided under the current Highway Act, the Transportation Equity Act for the 21st Century (TEA 21). Pages [I-10 through I-12](#) provide a summary of typical federal aid procedures. [Figure I-1](#) illustrates the procedures in the form of a flow chart.

This manual addresses five local programs that are funded under the current Highway Act:

#### 1. **Highway Bridge Replacement and Rehabilitation Program (HBRRP):**

##### Off-System Bridge Replacement and Rehabilitation Program (BRO):

This program is administered by MoDOT to the counties of Missouri and St. Louis City.

##### On-System Bridge Replacement and Rehabilitation Program (BRM):

This program is administered by MoDOT to the Kansas City and St. Louis Metropolitan Planning Organizations (MPOs), and cities with a population between 5,000 and 200,000, according to the last census.

#### 2. **Surface Transportation Program (STP) - Urban:**

##### STP Urban Attributable:

This program is administered by MoDOT to the Kansas City and St. Louis Metropolitan Planning Organizations (MPOs).

##### STP Urban Non-Attributable:

This program is administered by MoDOT to cities in the state with a population between 5,000 and 200,000, according to the last census.

#### 3. **Surface Transportation Program (STP) - Enhancement:**

This program is administered by MoDOT to any city, county, state agency, or federal agency selected through an application process to sponsor an enhancement project.

#### 4. **Congestion Mitigation and Air Quality (CMAQ):**

This program is administered by MoDOT to the Kansas City and St. Louis Metropolitan Planning Organizations (MPOs) to assist the area in complying with federal air quality regulations.



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#### 5. Access to Corps of Engineers Lakes Program:

This program is administered by MoDOT to the counties of Missouri and St. Louis City.

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Title 23, as amended by the Transportation Equity Act for the 21st Century (TEA 21) requires MoDOT to administer all funds apportioned and allocated to the state under this Highway Act. TEA 21 directs that certain percentages of funding categories within the state's apportionment must be sub-allocated towards the Off-System Bridge Replacement and Rehabilitation Program (BRO & BRM), the STP-Urban Attributable Program, the STP-Enhancement Program, the Congestion Mitigation and Air Quality Program, and the Access to Corps of Engineers Lakes Program.

For projects administered by local officials, the state will furnish information concerning the necessary federal requirements and will act as coordinator. The necessary design, acquisition, environmental, historical and archaeological clearances and approvals, construction and maintenance of improvements will be the responsibility of the local agency. A MoDOT District Representative will be the primary contact, furnish the necessary guidelines and coordinate the necessary reviews and approvals. MoDOT personnel will advise and assist the local agency in meeting the requirements of the program. Additional information regarding federal requirements is available through the MoDOT district representative.

Projects are performed under the terms of an agreement with MoDOT ([See Section V](#)). Work on any project cannot proceed until concurrence is provided by MoDOT and federal funding has been approved (obligated) by the Federal Highway Administration (FHWA).

Projects, once initiated with FHWA, are required to show reasonable progress towards the start of construction activities. Once a project has been approved by FHWA for preliminary engineering activities, it must be advanced to construction by the end of the tenth year after the fiscal year in which it was authorized or the federal funds paid on the project will be subject to repayment. The same ten-year time requirement applies for right-of-way projects authorized prior to ISTEA, but for any right-of-way project authorized after December 18, 1991 the time requirement for advancement to construction was changed to 20 years with extensions for reasonable cause. Section 1304 of the Transportation Equity Act for the 21st Century (TEA-21) amended 23 U.S.C. 102(b) to include a provision to allow the granting of time extensions for preliminary engineering cost repayment. These extensions must be approved by the FHWA. If a project does not meet the prescribed time requirements, the local agency sponsoring the project will be required to repay to MoDOT any federal funds reimbursed to date. Local agencies located within the urbanized limits of one of the metropolitan planning organizations may be subject to the reasonable progress policies administered by the MPO.

The federal-aid transportation program operates on a reimbursement basis as work progresses. . It is a federal reimbursement program in which the local agency is



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reimbursed minus its matching percentage after MoDOT receives proper proof of payment by the local agency to the contractor for work performed.

Federal law requires that each project be administered as a traditional federally funded highway project as described in this manual. In no case will costs be eligible for reimbursement unless prior approval has been provided by MoDOT. If funds are approved, they will be distributed through the local agency sponsoring the project. If a project is not completed, the local agency sponsoring the project will be required to repay to MoDOT, the sum of federal funds reimbursed to date. The local agency will be responsible for cost overruns.

Items eligible for federal participation include preliminary engineering, surveys, public hearings, environmental and historical documentation, right-of-way, construction, construction engineering, beautification, traffic control devices, and those portions of utility relocation costs for which the local agency is responsible. **No work is to be initiated until federal funding has been approved (obligated) by FHWA and MoDOT has notified the local agency to proceed.**

### INVENTORY

The Missouri Department of Transportation is required to submit an annual inventory of all bridges and all federal-aid highway systems in the state to FHWA. Failure to complete the requirements of inventory and inspection by a local agency will jeopardize their eligibility to participate in the funding programs within this manual.

### BRIDGE INVENTORY AND INSPECTION:

FHWA requires all bridges on public roads to be inventoried and inspected in accordance with the National Bridge Inspection Standards. The FHWA holds MoDOT responsible for collecting the inventory data. The local agency's inventory and inspections shall be in accordance with the MoDOT's current publication, Bridge Inspection and Rating Manual.

### ROADWAY INVENTORY

MoDOT will request the necessary information from the local agency for all federal-aid routes under their jurisdiction. Information requested includes mileage by surface type, surface width, number of lanes and traffic volume category. The information should include the submission of a system map (2 copies) along with comments on the system from an area wide planning agency. If the local agency population is over 50,000, the local agency is required to submit 3 copies.



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#### ADMINISTRATION OF FUNDING

##### **HBRRP:**

The Highway Bridge Replacement and Rehabilitation Program has been authorized for public bridges beginning with Fiscal Year 1979. Funds are normally apportioned on or about October 1, each year. Funds are available for three years after the close of the fiscal year for which they were authorized. Unused funds may be withdrawn by MoDOT to make other arrangements for their expenditure. This is necessary in order to prevent loss of the funds through statutory lapse.

Federal Funds are available to finance up to 80% of the eligible project cost, but may be increased with the use of credit earned from replacing an eligible bridge that is not on the federal-aid system. It will be necessary for the local agency to provide the necessary matching funds. The fair market value of donated right-of-way (after March 1987) may be credited to the local agency's matching share with the amount not to exceed the local agency's share. For further details regarding donated right-of-way, refer to the LPA Land Acquisition Manual or contact the MoDOT district representative. Page [I - 12](#) provides more information on local match guidelines.

If a local agency replaces or rehabilitates an eligible bridge that is not on the federal aid system with their own funds, they may receive a credit that can be applied to the non-federal share on other federal aid bridge projects. Details are included in Section II of this manual.

The following federal funds from other federal agencies may be used to match Bridge Replacement and Rehabilitation Funds:

1. Community Development Block Grant Funds if authorized by the Department of Housing and Urban Development.
2. Local Public Works Funds authorized by the Economic Development Administration.

The HBRRP Program is intended for bridge rehabilitation and replacement and a minimum amount of approach roadway construction will be allowed.

The funds will be administered according to the following policies:

1. The current Highway Act requires that at least 15% and no more than 35% of the state's total bridge appropriation be allocated to the counties and the City of St. Louis for use on off-system bridges (BRO). The Missouri Highway and Transportation Commission approves the amount of bridge funds allocated to this program. Off-system bridges are bridges that are on roads that are functionally classified as a local road or street and rural minor collectors.
2. The Missouri Highway and Transportation Commission approves the amount of bridge funds allocated to the Kansas City and St. Louis MPOs and other cities with a population of greater than 5,000 for use on on-system bridges (BRM). On-system bridges are bridges that are on



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roads that are functionally classified as urban collectors, rural major collectors, and arterials. Bridge funds for cities with a population between 5,000 to 200,000 are distributed on a selection process which is conducted annually.

In an effort to improve the BRM - Urban Program, MoDOT has implemented two new policies for all new projects. First, the amount of money programmed will be the maximum amount the city will receive. Any costs over the programmed amount will be funded with the city's allocated STP funds or with local funds. Second, with regard for reasonable progress, any project that does **not** have PS&E, all right-of-way clearance, and all environmental documents approved three years after the engineering services contract has been approved will be removed from the program and all funds obligated will have to be returned. Any costs reimbursed by FHWA for design services will have to be repaid by the city.

The following is a *suggested* timeline established by MoDOT:

- Program agreement should be executed within three months of notification of selection.
- Engineering Services Contract should be submitted within three months of notification of selection.
- Preliminary plans should be submitted within 18 months after the engineering services contract is approved.
- Right-of-way plans should be submitted within 18 months after the engineering services contract is approved.
- Plans Specifications & Estimate (PS&E) plans should be submitted within 24 months after the engineering services contract is approved.
- PS&E, all right-of-way clearance and all environmental documents **will** be approved within three years after the engineering services contract is approved.
- Concurrence should be approved within 3 months after the authority to advertise is approved.
- Construction should begin within 1 year after the award of the contract.

Execution of this timeline will allow for more efficient use of program funds. These new policies are intended for all new projects and do not apply to projects that have already been programmed.



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3. Off-System funds allocated to the counties will be based on the ratio of the replacement cost of the square footage of deficient bridge deck in the county to the replacement cost of the square footage of deficient bridge deck in all counties of the state.
4. Bridge funds for off-system projects may be programmed by counties for future projects not more than three years for preliminary engineering and one year for construction costs of the estimated annual allocation for that county.

There are two types of projects that can be evaluated to see if exceptions to these guidelines should be made. Projects will be evaluated on an individual basis to see if any exceptions are warranted.

1. *Emergency Project*

When a bridge has fallen down or washed out and is essential for travel in the area, MoDOT will consider allowing the county to exceed its amount of available funds by more than the guidelines.

2. *County Receives Small Allocation*

Some counties do not receive enough allocation to reasonably finance a bridge project. Some allowance will be made for these counties to exceed the guidelines so they can participate in the program.

### STP-URBAN:

The STP-Urban Program has been authorized for all cities with a population of over 5,000 beginning with Fiscal Year 1974. Legislation authorizes the expenditure of federal funds for highway related construction and improvements on on-system routes and bridges that are on or off the federal aid system within the approved urban and urbanized boundaries. The term "urbanized area" means an area so designated by the Bureau of Census having a population of 50,000 or more with boundaries to be fixed by responsible state and local officials in cooperation with each other and subject to approval of the Federal Highway Administration (FHWA). Such boundaries shall as a minimum encompass the entire corporate limits of the urban place.

Funds are normally apportioned on or about October 1 each year. Funds are available for three years after the close of the fiscal year for which they were authorized. Unused funds may be withdrawn by MoDOT to make other arrangements for their expenditure. This is necessary in order to prevent loss of the funds through statutory lapse.

Funds are usually authorized by Congress for several years under a single Highway Act, but are apportioned annually for a single year to the state. Cities outside the two metropolitan areas will be permitted to utilize funds they expect to receive for the number of years for which funds are authorized in the current Highway Act, provided statewide balances permit.



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In metropolitan areas (Kansas City and St. Louis), the distribution of funds will be determined by the MPO through coordination with the local agencies within the MPO boundary.

Federal funds are available to finance up to 80% of eligible project costs. It will be necessary for the local agency to provide the necessary matching funds. Federal funds from other federal agencies cannot be used to match STP-Urban funds, except for the following:

1. Community Development Block Grant funds, if authorized by the Department of Housing and Urban Development.
2. Local Public Works funds administered by the Economic Development Administration.

An exception to the normal 80% federal participation is that the portion of project cost necessary to provide protection at a railroad crossing or to separate grades at a railroad crossing is eligible for up to 90% federal participation. Traffic control signalization, traffic signs, highway lighting, guardrail and impact attenuators are eligible for 100% federal participation.

The funds will be administered according to the following policies:

1. The current Highway Act specifically designates federal funds for use within the Kansas City and St. Louis Metropolitan Areas. These funds are referred to as "attributable funds" and are allocated by MoDOT to the respective MPOs.
2. A share of the STP-Urban funds is allocated to cities with a population between 5,000 and 200,000. These funds are referred to as "non-attributable funds". The Missouri Highway and Transportation Commission approves the amount of STP-Urban funds allocated to this program. These funds will be available to the various recipients on a first-ready, first-served basis with the amount available to any city being up to the total amount estimated to receive during the current Highway Act, provided statewide balances permit.

### **STP-ENHANCEMENT:**

The STP-Enhancement Program offers states different options to enhance their transportation system. The current Highway Act allows all levels of government the opportunity to plan and develop intermodal transportation systems (various forms of transportation that are integrated and interconnected) tailored to their specific needs. Federal requirements concerning STP-Enhancements are quite extensive. Detailed procedures are contained in the Transportation Enhancement Funds Program Booklet, published separately from this manual. Copies are available at the district offices of MoDOT or can be found on MoDOT's web site at <http://www.modot.org/info/>.

The current Highway Act requires that at least 10% of the Surface Transportation Program funds must be allocated towards transportation enhancement activities.





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Transportation enhancement activities can be stand-alone projects or can be implemented as part of an on going transportation project. In either case, the project must relate to the intermodal transportation system in terms of function, proximity, or impact. For example, an independent bike path is a functional component of the intermodal transportation system. Removal of outdoor advertising within an individual's view of a highway is justified in light of its proximity. Retrofitting an existing highway by creating a wetland to filter runoff from the highway would qualify based on the impact of the highway in terms of water pollution.

Enhancement projects must be projects that are over and above what is considered routine construction or maintenance. Transportation enhancement funds may be used in the following categories:

1. Facilities for pedestrians and bicycles for transportation purposes including the provision of safety and educational activities.
2. Acquisition of scenic easements and scenic or historic sites.
3. Scenic or historic highway programs including the provision of tourist and welcome center facilities.
4. Landscaping and other scenic beautification.
5. Historic preservation.
6. Rehabilitation and operation of historic transportation buildings, structures, or facilities including historic railroad facilities and canals.
7. Preservation of abandoned railroad corridors including the conversion and use thereof for pedestrian or bicycle trails.
8. Control and removal of outdoor advertising.
9. Archaeological planning and research.
10. Mitigation of water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
11. Establishment of transportation museums.

Up to 80% of a transportation enhancement project can be financed with federal STP funds. The local agency is required to match the project with at least 20%. See Page [I-12](#) for local match guidelines for enhancement projects.





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#### CONGESTION MITIGATION AND AIR QUALITY (CMAQ):

The CMAQ Program was created by the Intermodal Surface Transportation Equity Act of 1991 (ISTEA) to assist cities attain federal air quality guidelines. Legislation authorizes the expenditure of CMAQ funds on projects that have a documented emissions reduction associated with them and are available for use only in the Kansas City and St. Louis metropolitan areas. Typical activities include revisions and installation of traffic signals, developing transportation management systems, public transportation facilities, and activities to encourage car pooling and van pooling.

These funds are administered by the Kansas City and St. Louis Metropolitan Planning Organizations (MPOs).

#### Access to Corps of Engineers Lakes Program:

The Corps Access Program was authorized under Section 1214 (1) of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178. This program provides funding for the resurfacing and maintenance of city and county roads that provide access to Corps of Engineers reservoirs in the State of Missouri. The Bill provides \$800,000 per year for five years (less obligation limitation) for each of fiscal years 1999 through 2003.

This program does require a 20 % match by the local agency.

#### SUMMARY OF TYPICAL FEDERAL AID PROCEDURES

##### PRELIMINARY

1. Local Agency selects project. If the project involves a bridge, the bridge must meet the criteria discussed in [Section II](#). If Local Agency is in a MPO, the Local Agency must ensure the project is on the current TIP.
2. If the Local Agency does not have the professional staff to perform the design and environmental work, the Local Agency selects a consultant and negotiates a contract ([See Section VI](#)).
3. Local Agency submits to MoDOT programming information on the selected project to include the Programming Data form, project location map, request for environmental determination, and, if applicable, a consultant contract for review.
4. MoDOT will review the consultant contract and verify the eligibility of the project.
5. MoDOT will notify the Local Agency that the project is eligible.
6. The MoDOT District Office will coordinate with the Local Agency the completion of a Local Agency /MHTC agreement.



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7. MoDOT requests federal funding for project. Upon approval by FHWA, MoDOT authorizes the Local Agency to begin preliminary engineering.

**No work is to be initiated until federal funding has been approved (obligated) by FHWA and MoDOT has notified the local agency to proceed.**

### PRELIMINARY AND FINAL DESIGN

8. Local Agency prepares categorical exclusion information and submits to MoDOT.
9. Local Agency prepares cultural resource documentation and submits to MoDNR and copies MoDOT. Section 401 Water Quality Certification or the waiver thereof by the Missouri Department of Natural Resources for stream crossings is also necessary.
10. Local Agency prepares Corps of Engineers 404 Permit for projects that have possible impacts on wetlands or bridge projects that cross Corps of Engineers controlled waters.
11. Local Agency prepares Farmland Conversion Impact Statement in conjunction with the county NRCS (formerly the SCS).
12. If the project has an impact on a property that is considered historically significant, the Local Agency must coordinate an acceptable plan with the State Historic Preservation Officer, FHWA, and MoDOT.
13. If the project has an impact on a property that is part of a park or wildlife area, the Local Agency must coordinate an acceptable plan with the FHWA and MoDOT.
14. Local Agency submits preliminary design plans to MoDOT for comment and approval. Preliminary design plans should include hydraulic studies, signal warrants, design variance requests, and plans when applicable. Once all phases of the preliminary design are approved, MoDOT will give the Local Agency authorization to prepare final plans.
15. Local Agency prepares right-of-way plans for certification and review by MoDOT. Local Agency requests right-of-way purchasing authorization prior to acquisition. Purchases made prior to authorization approval by FHWA will not be eligible for federal participation.
16. Local Agency coordinates with local utilities to relocate as required. If federal funds are to be used to complete utility adjustments, Local Agency should submit utility agreement to MoDOT.
17. Local Agency acquires necessary right-of-way for project and requests right-of-way clearance through MoDOT in accordance with MoDOT's LPA Land Acquisition Manual.



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18. Local Agency submits plans, specifications, and estimates (PS&E) to MoDOT for review. Once PS&E documents have been reviewed and modifications completed, MoDOT will request obligation of funds from FHWA.

**No work is to be initiated until federal funding has been approved (obligated) by FHWA and MoDOT has notified the local agency to proceed.**

### CONTRACT LETTING AND CONSTRUCTION

19. Once FHWA approves the obligation of construction funds, MoDOT will notify Local Agency to advertise for bids. If all work is to be done by local forces, skip to procedure 24. Also, please see [Section IX](#) for more detail on work performed by local forces.
20. Local Agency must advertise for bid a minimum of 21 days prior to letting.
21. Local Agency opens the bids, recommends award of contract. At this time the successful bidder must sign the anti-collusion statement and has three days to fill out information on DBE sub-contractors and return it to the Local Agency. The Local Agency has the right to disqualify bidder if DBE information is not returned within three days.
22. Local Agency submits bid tabs, anti-collusion statement, and DBE information to MoDOT for concurrence. MoDOT will notify Local Agency of their concurrence in the award of the bid and that the contract may be executed.
23. Local Agency will execute contract with the successful bidder, issue notice to proceed to the contractor, and must submit a copy of the executed contract to MoDOT. MoDOT will review the executed contract with the required documents and notify the Local Agency that they may issue a notice to proceed.
24. Construction begins. Local Agency submits progress reports, conducts wage rate interviews, assures that construction will be inspected for compliance with specifications, and ensures EEO compliance.
25. If construction changes are needed, Local Agency determines level of the change order and submits as needed to MoDOT. After the final change order, additional funding may be requested to cover changes orders if funds are available.
26. Local Agency maintains necessary documentation of quantities placed in support of quantities paid.
27. Once construction is complete, Local Agency notifies MoDOT's district representative to coordinate the final inspection. Local Agency submits final inspection report.



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28. Local Agency submits all applicable final documentation to MoDOT including a final invoice for all project costs involving preliminary engineering, construction engineering services, right-of-way, utility adjustments, and construction costs.
  29. MoDOT audits the project as necessary and requests final payment from FHWA.

**No work is to be initiated until federal funding has been approved (obligated) by FHWA and MoDOT has notified the local agency to proceed.**

### LOCAL MATCH GUIDELINES

1. "Soft Match" is defined as credits received for locally funded BRO projects and cannot be used as part of the local match for STP-Enhancement, STP-Urban, or CMAQ projects.
2. In-kind labor is considered an eligible expense that is applied to the total cost of the project and must also be matched by the applicant on an 80-20 basis or, as an option, can be considered a donation and used as a credit against the required non-federal match. (In-kind labor is when a local agency uses its own forces to accomplish the work).
3. In-kind materials are also considered an eligible expense that is applied to the total cost of the project and must be matched by the applicant on an 80-20 basis or, as an option, can be considered a donation and used as a credit against the required non-federal match. (In-kind materials are currently in-stock and were purchased by the local agency or are purchased by the local agency for the intended project).
4. Private funds, materials, and services can be made to a local government for a specific project. When this occurs, a local agency can then apply these funds towards the required match on a federal aid project.
5. Fair market value of right-of-way property donations made after April 1987 may be counted towards a local matching share on all title 23 projects. This donation credit must be applied to the federal aid project related to and requiring the donated land.